

DAVIE WATER ADVISORY BOARD
SEPTEMBER 19, 2000
5:30 P.M.

1. ROLL CALL

The meeting was called to order at 5:32 p.m. Board members present were Chair Dean Alexander, Vice-Chair Don Zane, James Aucamp, Sr., Tom Green (departed at 6:15 p.m.), Robert Hoth, Daniel Lavrich (arrived at 5:35 p.m.), Stuart Lieberman, and Gail Ling. Also present were Utilities Director Daniel Colabella and Board Clerk Jenevia Edwards recording the meeting. Mike Bender was absent.

Chair Alexander indicated that Mr. Bender had submitted his letter of resignation to Councilmember Paul, however, he had not received a copy. He commented that he understood that Mr. Bender was unhappy with Council's decision on the settlement between Sunrise and the Town. Chair Alexander commented that had Mr. Bender spoken to him, he might have been able to dissuade him from resigning. He stated that he understood that a replacement had been appointed.

2. APPROVAL OF MINUTES: July 18, 2000

Chair Alexander stated that on Section 4 under Old Business "County" should be "Town". The sentence "He commented that it was his understanding that the sensors were not expensive." was duplicated and should be deleted. The sentence "Chair Alexander commented that there was also a County ordinance that required that new construction installing sprinkler systems were required to have rain sensors installed." should also be deleted. Chair Alexander indicated that the sentence "Chair Alexander indicated that Mayor Venis was not present....." should read "Chair Alexander indicated that Mayor Venis was not present for the vote...". Ms. Edwards stated that she would make the necessary corrections.

Vice-Chair Zane made a motion, seconded by Mr. Hoth, to approve the minutes of July 18, 2000 as amended. In a voice vote, with Mr. Bender being absent, all voted in favor. **(Motion carried 8-0)**

3. OLD BUSINESS

Chair Alexander commented that Mr. Lieberman and some of the residents who were serviced by Sunrise had received their rebate. Mr. Lieberman indicated that he had received an \$89 credit. Chair Alexander indicated that future credits would be approximately \$3 each month unless there was a change, in which case the refunds would cease. Mr. Lieberman commented that it was his understanding that the rate could not increase but the surcharge could fluctuate based on Sunrise's justification. Mr. Colabella commented that Sunrise could not change its rates for six years. Mr. Lieberman inquired if that was subject to whether or not the Town changed its rates with Mr. Colabella responding that the Town could not change its rates either, unless ordered to do so by the State. Chair Alexander commented that if the Town's rate increased and Sunrise lost the surcharge through State action, the credits would be reversed. Mr. Lieberman asked how that action would affect the Town in the eminent domain proceedings. Chair Alexander responded that eminent domain proceedings would not be affected and it was specifically stated in the agreement that "...the parties agree that nothing set forth in the Settlement shall affect Davie's right to bring eminent domain proceedings against Sunrise's water and sewer facilities. Sunrise maintains that Davie does not have the right to condemn its facilities." Chair Alexander commented that he was unsure what the legal justification was but as long as eminent domain was in the Town's jurisdiction and as long as it adhered to constitutional requirements under the 14th

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Amendment, the Town could take over Sunrise's plants. Mr. Green indicated that that depended on the Court's decision. Vice-Chair Zane inquired who would receive the credit if the original resident had moved. A lengthy discussion ensued regarding the credit from Sunrise with Mr. Colabella indicating that the back credit could only go back two years. Chair Alexander indicated that as far as the eminent domain proceedings were concerned, the Court's main concern would be the just compensation aspect in determining a value and whether or not it was worth it. He commented that he had discussed with some of the Councilmembers that a best case scenario would be the Town's ability to take over Sunrise's system if the bonds were reasonable. Chair Alexander explained that in taking over Sunrise's systems, the Town would be taking over everything only to find out that it would not be able to offer any better service than Sunrise did because the pipes and the infrastructure were in such bad shape. He indicated that it would mean that the Town would have to "dig up" and do the system over because it had bought worthless equipment. Mr. Lieberman asked if the Town had hired engineers to test the equipment. Mr. Colabella responded that two things were being done, one was purchasing a full facility from South Broward Utilities and purchasing bulk water from Sunrise once Davie bought out the facility or Davie would build another facility. Vice-Chair Zane inquired who was involved in this exercise with Mr. Colabella responding that it was accountants and engineers hired by the Town to carry out a study; however, the figures were not yet available. Vice-Chair Zane further inquired whether or not Mr. Colabella had any input with Mr. Colabella responding that he attended the meetings. Vice-Chair Zane commented that the only figures available were old figures from the previous study which was completed in 1994 indicating that it would cost \$7,800 for a single family home to purchase water and that there would be an additional cost for the infrastructure. Mr. Lieberman stated that Bob had brought up a good point about some type of hybrid where "we beef up existing utility plants that the CRA runs but buy just the pipes." Mr. Colabella explained that the Town would hook up the pipes. Vice-Chair Zane asked if there was a definite date when the engineering studies would be completed. Mr. Colabella explained that the first meeting was held a month ago with Sunrise negotiating with engineers from Calvin and Giordano. He indicated that Stanley Cohen, a consultant from Rachlin Cohen and Holtz hired by the Town, had requested information from Sunrise, but Sunrise still had no information available. Mr. Colabella indicated that the figures would be ready by the end of the year.

Vice-Chair Zane commented that certain Councilmembers had indicated that only residents serviced by Sunrise would have to pay for the study and asked if this was correct with Mr. Colabella responding in the affirmative. Chair Alexander commented that it would be embarrassing for the Town if it was discovered, after this exercise, that it could not provide better water than Sunrise did due to the condition of the infrastructure. Mr. Lieberman commented that the City of Pembroke Pines appeared to have been successful in their eminent domain proceedings. Chair Alexander inquired as to the quality of water in Pembroke Pines with Mr. Lieberman responding that he did not know but he had not seen any negative publicity. Chair Alexander explained that the main complaint was regarding the quality of water being provided by Sunrise, with Sunrise indicating that it was doing the best that it could with what it had. He indicated that the Town would "end up" in a similar situation.

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Mr. Colabella explained that a few years ago, land was annexed by Pembroke Pines and each property owner was required to pay for water and sewer. The funds collected were used to install new lines and the infrastructure was paid for by the developers. Mr. Hoth commented that there was a similar situation in Shenandoah, except that the funds were paid to Sunrise rather than to the Town. Vice-Chair Zane inquired if sewage would be included in the engineering study with Mr. Colabella responding in the affirmative.

Chair Alexander asked if Mr. Colabella had discussed the issue of sensors with Interim Town Administrator Tom Willi with Mr. Colabella responding that the issue of sensors was discussed once and that the Town was working on it. Chair Alexander commented that he would like to receive a status report from Mr. Willi.

4. NEW BUSINESS

Ruth Dreyer, a Davie resident, explained that after the flooding due to Hurricane Irene, water remained on her property for more than three weeks. She stated that she resided in an area that had a septic system and after having the water tested, it was found to contain Hepatitis A, B and C, E-coli and Staph. Ms. Dreyer indicated that the various health officials had advised her to inform her neighbors to dissuade their children from playing in the water, walking through it or to come in contact with it as they were at risk for Cholera, Dysentery and Typhoid in addition to Hepatitis, E-coli and Staph. She commented that six months after the water subsided, she noticed changes in her pond which she used for irrigation purposes. The fish were dying and the pond was becoming choked with grass and weeds that had not been there previously, as well as having a peculiar odor. Ms. Dreyer stated that she spoke with her neighbor who also used the pond and they decided to contact a consultant in order to have the pond water tested. She indicated that the water was tested and a copy of the result was presented to the Board. Ms. Dreyer explained that the pond was treated three times and she was told by the consultant that it would be futile to continue to treat the pond until the problem with the septic system was corrected. She indicated that she was concerned about other residents in her neighborhood who were serviced by wells and she had a volunteer submit a sample of the well water to be tested. This water did not contain Coliform but it contained bacteria that was too numerous to count.

Ms. Dreyer hoped that the Board could offer some assistance. She commented that she had read previous minutes where it appeared that the Board was confused as to whether or not it should deal with the issue of drainage. Ms. Dreyer indicated that she was concerned about the future health and welfare of Davie residents who used well water and residents residing on lakes. She commented that she did not believe that her lake was the only one contaminated, but she was probably the only resident with the thought to act on it.

Chair Alexander asked if there were horses in the neighborhood with Ms. Dreyer responding in the negative. Vice-Chair Zane asked if Ms. Dreyer was receiving "city water" and whether or not her neighbors were on wells with Ms. Dreyer responding in the affirmative. Vice-Chair Zane further inquired whether or not "city water" was available for the contaminated well areas with Mr. Green responding in the negative. Ms. Dreyer commented that Council had voted on parks and recreation bonds, but there was no thought for public health and safety. She stated that the infrastructure in her neighborhood was old and the Hiatus Road canal had been removed, leaving no drainage. Ms. Dreyer commented that there were no services available in the neighborhood due to the drainage issue and she

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believed that with a drainage problem on the scale presently existing in her neighborhood, the Town should get involved to assist residents. In addition, there was also a health issue and there were many children involved.

Chair Alexander asked if the well water was tested ahead of the faucet with Ms. Dreyer responding in the affirmative.

Mr. Hoth referred to a previous meeting where Margaret McPherson, Government & Public Affairs Representative - South Florida Water Management District, had discussed the drainage problems in Broward County. He commented that the solution was to eliminate septic systems. Mr. Lavrich commented that there were several distinct issues that were involved. He indicated that the Board had no jurisdiction over the drainage issue which belonged to the Central Broward Drainage District and the Town's Engineering Department. Mr. Lavrich explained that the solution to the problem involved a major engineering issue which would have to be undertaken by someone other than the Board although the Board was concerned with the quality of water resulting from all the issues. He indicated that the situation with the septic tank and the Coliform found in the water could mean that Coliform was coming from the septic system, but it did not necessarily relate to the drainage. Septic tanks meant that there would be intrusion of the material into groundwater, whether or not there was rainfall involving flooding. Whenever there was rainfall, there was a tremendous amount of runoff from surrounding grounds which included fertilizers as well as animal waste. Mr. Lavrich explained that there was an enormous risk when walking through rainwater due to the contamination involved. He stated that the septic situation would have to be resolved sooner or later and the solution involved large sums of money. This involved installation of a complete infrastructure system for sewage disposal, collection, free gravity if available and if not available, a force main, which was an expensive system. Mr. Lavrich explained that this exercise involved two separate entities, utilities and engineering departments. However, the issues involved a solution to drainage and a solution to septic tanks, two distinctly different and major situations. Mr. Lavrich indicated that the Board could indicate that it was aware that a problem existed that was contaminating ground water and because of this contamination, someone should take a serious look in trying to solve the problem.

Chair Alexander indicated that several months ago, Council amended the resolution that created the Board to include matters involving quality of water.

Vice-Chair Zane asked whether or not the Town had completed its study on drainage with Mr. Green responding that the study would be completed at the beginning of October. He indicated that a meeting was held at the Police Department and the engineers had presented some preliminary information but the full extent of what would take place was not indicated.

Following a lengthy discussion, Vice-Chair Zane indicated that he did not realize that the drainage situation in Ms. Dreyer's neighborhood was a political issue and commented that Ms. Dreyer should lobby in her neighborhood and Mr. Green's neighborhood to have septic tanks eliminated. The Utilities Department should be contacted to execute a study as to what the cost would be to have sewers and "city water" brought in. Mr. Colabella commented that the Town tried to put water and sewer in many of the western neighborhoods. Mr. Green indicated that new houses were being built with septic tanks and wells. Mr. Colabella explained that if there was no sewage available in Ms. Dreyer's area, it

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would create a hardship for developers. Chair Alexander commented that it was his understanding that in order to be "hooked up" to "city water", the new development had to be adjacent to an existing system. A lengthy discussion ensued regarding the hook up of a sewage system, Mr. Colabella concluded that water and sewer could be placed anywhere if whoever needed it was willing to pay.

Vice-Chair Zane referred to the Oakhill area and commented that the Town had passed a resolution four years ago and Ms. Dreyer could state that her neighborhood wanted city run water because there were bad septic tanks and contaminated wells. Ms. Dreyer commented that it was an exhausting job for one person and how would one person accomplish that task. Chair Alexander suggested that she organize a number of her neighbors to help lobby. Mr. Green commented that if the Town was aware of the drainage problem, why was it up to an individual to lobby for change. Vice-Chair Zane commented that Sunrise provided service to that neighborhood and was accountable to the residents. Mr. Colabella explained that in order for the Town to act, Ms. Dreyer would have to produce a petition from the residents that they wanted the service. He stated that that would allow him to carry out a study to determine the cost, and then public meetings would have to be held after which a presentation would be made to Council who would vote on whether or not to move forward. However, the residents would have to pay for the installation. Chair Alexander referred to a similar situation in Ivanhoe where several citizens indicated that they wanted a road blocked because of a proposed truck stop in their neighborhood, however, there were other residents who were not pleased with Council's action and it became a "major" political item. He indicated that Sunrise was accountable for the water but not the sewage because there were septic tanks involved. Chair Alexander explained that a special assessment district would have to be created in order to effect any change. He indicated that along with the evidence, Ms. Dreyer had a strong case and he suggested that she try to organize her neighbors and hopefully something would happen. Vice-Chair Zane suggested that if she was able to organize an association, Mr. Colabella would be willing to talk to the association members. Vice-Chair Zane commented that the Board was on her side but it was unable to dictate to Council what action to take because Sunrise was the servicing agency.

Mr. Green asked if the purview of the Board involved water quality with Vice-Chair Zane responding in the affirmative and indicating that the Board's responsibilities had been expanded. Mr. Green explained that Davie would be participating in a drainage study as well as Broward County, Cooper City and the drainage district.

Ms. Dreyer commented that she was afraid that the condition would become much worse in the event that there was another rainfall on the scale of Hurricane Irene. Chair Alexander indicated that Ms. Dreyer had taken the first step by gathering evidence and the next step should be to convince her neighbors and make her presentation to Council. He stated that she should organize her neighbors to see if they were willing to spend the funds that would be required for the change. Ms. Dreyer commented that her concern was not just for herself but for her neighbors as well. Mr. Green stated that there was obviously a health threat in the area and some government should be concerned about a health threat. Mr. Colabella commented that the Broward County Health Department should be checking areas that had septic tank systems. Vice-Chair Zane commented that there were products available from Biochemists that could be used to clean the lakes and septic tanks could be treated to improve their efficiency. He stated that there were products that would clean the lake in a

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relatively short time. Ms. Dreyer commented that if everyone did not participate in the clean-up, the problem would not be solved in the long run. Vice-Chair Zane suggested that she contact the Health Department, indicating to them that there was a problem in the neighborhood. He stated that they would come in and condemn some of the septic tanks and even some of the wells and the residents would be left with nothing. Vice-Chair Zane suggested that she make her presentation to her neighbors or have them attend a meeting.

Mr. Aucamp asked if Ms. Dreyer knew where the closest connection would be to access the sewage, with Ms. Dreyer responding that she was not sure. Ms. Dreyer asked if this could be investigated with Mr. Colabella responding that he could not spend funds on a system that was not the Town's but Ms. Dreyer could contact Sunrise to get this information.

5. DISCUSSION

5.1 Sunrise Utilities

Chair Alexander asked Mr. Colabella if he had any information concerning the water main break involving Sunrise. Mr. Colabella responded that he still had no information for the Board. He stated that based on the agreement with Sunrise, they had to produce every record requested by the Town.

6. COMMENTS AND/ OR SUGGESTIONS

Mr. Lieberman commented that regarding Mr. Bender's resignation, he understood because he went through the same gyrations and he was happy that he had not resigned. He asked if there was still a purpose in the Board. Vice-Chair stated that one of the purposes of the Board was to see that certain things did not get carried away with the taking over of the Sunrise system. Following a lengthy discussion regarding the cost for water and sewer, the conclusion was that the Board should wait for the outcome of the study.

7. ADJOURNMENT

Vice-Chair Zane made a motion, seconded by Mr. Hoth, to adjourn. There being no objections, with Messrs. Green and Bender being absent, the meeting adjourned at 6:45 p.m.

Approved

Chair/Board Member

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